

**CHAPTER NO. 778**

**HOUSE BILL NO. 3671**

**By Representative Curtiss**

**Substituted for: Senate Bill No. 3632**

**By Senator Bryson**

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 7; Title 38, Chapter 6; Title 50, Chapter 3; Title 50, Chapter 6; Title 50, Chapter 9 and Title 56, relative to workers' compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-238(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) If a specialist has ordered the payment of benefits pursuant to this section and a court subsequently finds that the employee was not entitled to the ordered benefits, then the entity or person who paid the benefits shall be entitled to a refund of all amounts paid pursuant to a specialist's order or orders. The refund shall be paid from the second injury fund established by §50-6-208. The entity or person who paid the benefits pursuant to a specialist's order or orders is not entitled to receive the refund until the claim has been fully concluded by trial court or, if appealed, by the Tennessee supreme court. To receive the refund, the employer or employer's insurer shall send a certified copy of the final order of the trial or appellate court to the division of workers' compensation, certified mail, return receipt requested. If the refund is not made within thirty (30) days of the date the certified mail was accepted by the division, then the employer or employer's insurer shall be entitled to interest at the rate of ten percent (10%) per annum from the date the refund became overdue.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 8, 2006

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 24<sup>th</sup> day of May 2006

  
PHIL BREDESEN, GOVERNOR